THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 15th day of December, 2006

W.P.No.7832 of 2005

Between:

Gandikota Venkata Gopala
Krishna Murthy … Petitioner

and

A.P. Cooperative Tribunal,
Hyderabad, rep. by its Chairman
and others … Respondents

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W.P.No.7832 of 2005

ORAL ORDER:

This Writ Petition is filed challenging an Order dated 15-2-2005 passed by the Andhra Pradesh Cooperative Tribunal, Hyderabad in CTA (SR) No.670 of 2005, wherein the appeal filed by the petitioner challenging the notice of attachment dated 10-6-2002 issued by the 3rd respondent was returned.

The Tribunal returned the said appeal holding that under Rule 52(8)(b)(i) of the Andhra Pradesh Cooperative Societies Rules,1964 (for short 'the Rules') the Registrar may cancel the notice and under Rule 52(13), the Registrar of the District has right to set aside the attachment and sale and under Rule 52(14)(i)(ii)(iii) of the Rules, the Registrar is empowered to set aside the irregular orders. Therefore, the petitioner has ample opportunity of disputing the attachment notice and attachment orders, before the Sale Officer and Registrar of the District. Aggrieved by the same, the present Writ Petition is filed.

Learned counsel for the petitioner strenuously contended that against the Orders passed under Section 70 Andhra Pradesh Cooperative Societies Act,1964 an appeal under Section 76 of the Act is maintainable; therefore, the Tribunal was not right in returning the appeal filed by the petitioner on frivolous grounds.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion

that the petitioner can very well agitate the matter by filing a claim petition before the Sale Officer as required under the provisions of Rule 52(21) of the Rules. In view of the above, without expressing any opinion on merits, the petitioner is directed to file a petition under Rule 52(21)(a) of the Rules, within a period of four weeks from the date of receipt of a copy of this order. Till disposal of the said claim petition, no coercive steps shall be taken against the petitioner. The Sale Officer shall dispose of the claim petition within a period of four weeks from the date of filing of the same.

With the above directions, the Writ Petition is disposed of. No order as to costs.

15-12-2006

prk